

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CARLENE L. MATTHEIS,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 04-805
)	Judge McVerry
)	Magistrate Judge Caiazza
JOHN E. POTTER, Postmaster)	In Re: Doc. 31
General, UNITED STATES POSTAL)	
SERVICE, et al.,)	
)	
Defendants.)	

ORDER

Before the court for resolution is the Defendant's Motion to Strike Improper Defendant. In essence, this is a Motion filed by the Defendant Robert Mullin ("Mullin") in his official capacity and he asks that he be dismissed as a Defendant. In his Motion Mullin claims that "John E. Potter, the Postmaster General and head of the Postal Service, is the only appropriate Defendant with respect to the Plaintiff's discrimination claims." See Mot. To Strike Improper Def. at ¶ 4.

The Defendant's reading of the statute is too narrow. The relevant part of Title VII of the Civil Rights Act of 1964 provides that the "head of the department, agency or unit , as appropriate, shall be the defendant." See 42 U.S.C. § 2000e-16(c) (emphasis added). Mullin is the branch manager of the Allison Park Office of the United States Postal Service.

The Motion is DENIED.

August 31, 2005

s/Francis X. Caiazza
Francis X. Caiazza
U.S. Magistrate Judge

cc:

AUSA- Jessica Smolar

Stacey F. Vernallis, Esq.
Dana L. Bacsi, Esq.
Goehring, Rutter & Boehm
1424 Frick Building
Pittsburgh, PA 15219